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ABSTRACT

Major trends revealed from an analysis of 46 collective bargaining agreements are discussed. The most obvious trend involves the agent with whom college faculty affiliate, with the National Education Association and the American Federation of Teachers dominating. It is shown that the bargaining model developing in higher education is closely patterned after the public school bargaining model. Two-year colleges are the most widely involved with collective bargaining. A new pattern for college and university contracts appears to be toward state or regional agreements. The diverseness of contract items is noted, including grievance procedures, bargaining agent rights, conformity to law, teaching load, promotion, transfer, reappointment and personnel file policies, leave, life insurance, and various concerns for future negotiations. A trend missing from the higher education contracts is a statement on management rights, as well as statements on retirement, insurance, and tenure. It is shown that eligibility for faculty bargaining unit membership varies. Librarians and counselors are specifically included in most agreements, but supervisors and classified personnel are excluded in all agreements. (Author/LBH)

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EMERGING TRENDS IN FACULTY COLLECTIVE BARGAINING AGREEMENTS

"The bargaining model developing in higher education is closely patterned after the public school bargaining model. . . . The literature discussion of alternative bargaining models . . . may be purely academic."

By John O. Andes and Harold I. Goodwin

Traditional higher education faculty-administration relationships are being remolded. One major factor is the rapid expansion of collective bargaining. Contracts now have been written covering over one hundred institutions. Additional agreements in the works will significantly increase this number. Our purpose is to point up some of the major trends gleaned from an analysis of forty-six of these contracts.*

Affiliation Trends

The most obvious trend involves the agent with whom college faculty affiliate. As indicated in Table I, the National Education Association and the American Federation of Teachers dominate collective bargaining in higher education. Together the NEA and the AFT have negotiated sixty-six contracts involving approximately fifty thousand faculty compared to twelve by the American Association of University Professors or various independent agencies for about nine thousand members.

The public school bargaining past may indicate the prologue AAUP bargaining role. In early NEA-AFT confrontations, the NEA, assuming an "it is not professional" attitude, watched the AFT win several major representational elections. When the NEA struck back it was with the same labor tactics used by the AFT.[1] If it is to become a strong faculty voice *vis-a-vis* management, the AAUP must become much more aggressive and less management-oriented.

Table I also indicates a strong trend toward collective bargaining in the Northeast and the Midwest: ninety-five percent of the agreements have been negotiated in these two areas. This may be a natural outcome of a corresponding traditional labor intensive collective bargaining environment. Percentage-wise, the labor affiliated AFT has done somewhat better in the Midwest labor belt than has the NEA.

The South, never a strong AFT region in public education, has no bargained contracts in higher education. While the

Table I

Collective Bargaining Agreements
Professional Organization

Region	Type of Institution	NEA *	NEA **	AFT *	AFT **	AAUP *	AAUP **	Independent *	Independent **	Totals *	Totals **
Northeast	2 year	20	12	11	7	0	0	3	2	34	21
	college or university	5	2	5	1	4	2	1	1	15	6
Midwest	2 year	9	4	9	8	0	0	1	1	19	13
	college or university	2	2	2	1	2	0	1	1	7	4
West	2 year	1	0	1	1	0	0	0	0	2	1
	college or university	1	1	0	0	0	0	0	0	1	1
South	2 year	0	0	0	0	0	0	0	0	0	0
	college or university	0	0	0	0	0	0	0	0	0	0
Totals	2 year	30	16	21	16	0	0	4	3	55	34
	college or university	8	5	7	2	6	2	2	2	23	12
GRAND TOTALS		38	21	28	18	6	2	6	5	78	46

* Agreements
** Returns

* All colleges and universities known to have contracts or known to be negotiating contracts were contacted. Forty-six contracts were obtained.

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NEA has been strong in the South, they have negotiated no contracts there, either. We are inclined to believe that the historical levels of unionization in the general society and the level of higher education militancy are related factors in determining the growth of collective bargaining in higher education. The rising level of industrialization in the South, with the usual parallel in unionization, may soon create conditions more conducive to collective bargaining in higher education institutions.

Perhaps as much as anything, Table I confirms with current data the impressionistic knowledge that two-year colleges are most widely involved with collective bargaining. Seventy-three percent of the agreements are with community colleges. This may be a reminder that community colleges are still dominated by public school-oriented teachers and that community college norms are more closely related to public school norms than to state college or university norms.

A new pattern for college and university contracts appears to be toward state or regional agreements. This type of contract is found at City University of New York, New Jersey State College System, State University of New York, Chicago City Colleges, The Pennsylvania State College System and the Nebraska State College System. Although the number of group contracts is small, this development seems to follow the large labor union contract model: multi-unit agreements bargained nationally with local issues bargained locally. Among the questions left unresolved by the system-wide contracts are: How deeply inside the institution will "local" go—a campus, a college, a division or a department? And very importantly, what will this system contract mean to the traditional role of academic senates?

Item Initiation Trends

Extreme diverseness of bargained items also follows the public school mold. In the early years of public education bargaining, teachers initiated and administrators reacted. When administrators refused to bargain teacher-initiated items, the teachers resorted to the courts. Court cases generally have expanded the number of items held to be bargainable. Recently, public school administrators have begun to initiate agenda items. Management rights is one example. The courts have generally ruled for the inclusion of administration-initiated items.

The bargaining process in higher education closely parallels the early public school experience. Item analysis and contract wording indicate that much of the initiative for item inclusion has been by the faculty and their agent. The faculty has the resources of the tough, experienced and aggressive NEA or AFT negotiators. University administrators appear to be inexperienced and poorly prepared. Given the short history of collective bargaining in higher education, and given the benefit of some growing experience operating under faculty-initiated contracts, we would expect to see more items offered by administrators.

Table II

General Items In Agreements

	NEA	AAUP	AFT	Independent
Number of Agreements	21	2	18	5
Statement of Agreement, Purposes, Intent	21	2	18	5
Recognition of Bargaining Agent	20	2	18	5
Relationship to other Bargaining Agents	9		6	2
Management Rights	15		13	2
Bargaining Agent Rights	18	2	14	4
Consultation between Parties	10	1	11	3
Dues and Payroll Deductions	13	1	13	2
Grievance Procedure	19	2	16	5
No discrimination	7	2	8	3
No Strike/No Lockout	11	1	5	3
School Calendar	12	1	12	4
Duration of Contract	21	2	18	5
Conformity to Law	19	2	16	4

Table III

Academic Affairs Items in Agreements

	NEA	AAUP	AFT	Independent
Appointment, Reappointment	18	1	12	5
Personnel Evaluation	12	1	9	4
Personnel Files Policy	17	1	14	4
Promotion and Transfer Policies	17	1	14	5
Faculty Rights	14	1	8	3
Non-reappointment/Dismissal	16	1	12	3
Teaching Load	19	1	16	5
Non Teaching Responsibilities	15	1	14	3
Evening and Summer Program	13	1	7	2
Teaching and Office Environment	10		13	2
Class Size Limitation	12		13	2
Administrator Selection	8	1	5	1
Tenure	10	1	10	3
Academic Freedom	11	2	12	3
Standards for Academic Ranks	6	1	9	4
Faculty Responsibilities	10		5	1

Table IV

Major Faculty Benefit Items in Agreements

	NEA	AAUP	AFT	Independent
Salary Schedule	21	2	18	5
Compensation for Extra Duties	11	1	9	3
Retirement	11	1	10	2
Tuition Remission (Faculty)	10	1	6	2
Tuition Remission (Family)	4	1	3	2
Travel	11	1	5	3
Insurance (Life, Health, etc.)	21	2	18	5
Leave (Sick, Sabbatical, etc.)	21	2	15	5

Content Trends

Tables II, III and IV illustrate the diverseness of contract

items. Only three items were found in all agreements: statement of agreement, recognition of bargaining agent and salary schedule. The first two are, by nature, items of general contract inclusion. Salary is a constant want.

Grievance procedures, bargaining agent rights and conformity to law are items found in seventy-five percent of the agreements. In the area of academic affairs, seventy-five percent of the agreements included statements on teaching load, promotion, transfer, reappointment and personnel file policies. Similarly distributed were three kinds of leave: sick, sabbatical and maternity; and one kind of insurance, life. So important were the working condition and grievance procedures that they averaged five pages in length.

Several critical items found in less than ten percent of the policies give an indication of concerns for future negotiations. Among them are agency shop provisions for special funds appointed by the legislature and not covered in the contract, consultation on research, institutional structure and facilities, percentages in academic ranks, professional standards committee, professional development fund, faculty meetings, distinguished professor, cost of living allowance, private automobiles and dental insurance.

These tables also indicate how closely the two major bargaining agents agree on the items to be included in the bargaining agenda. If the NEA and the AFT are to continue to dominate the collective bargaining agent field in higher education, it would appear that a faculty choice between them would result in only small differences in terms of final contract conditions.

Missing Content

A trend missing from the higher education contracts is a statement on management rights. Recent court decisions have held that rights not specifically reserved to management are negotiable.[2] Due at least in part to the unique professional-bureaucratic structures of higher education, areas of professional rights and management rights are already blurred. Without a management rights provision the functions of the administration may be bargained away with deleterious consequences.

Also missing from many contracts are statements on retirement, insurance and tenure. While this may be attributed to their inclusion in state laws, if the public education experience is meaningful, these areas may become bargaining issues. There is a definite movement by public school boards to bargain or eliminate tenure. What form tenure might take under such conditions is speculative. One alternative may be a contract clause making dismissal subject to due process, a condition found in other public employee contracts. This becomes critical if collective bargaining in higher education falls under a state law which includes public educators with other public employees, as is true in Pennsylvania.[3]

Table V

Membership in Bargaining Units by Bargaining Agent

	NEA (21)		AFT (18)		AAUP (2)		Independent (5)	
	E	I	E	I	E	I	E	I
President, V. Pres.	9		8		1		1	
Deans, Assoc./Assist. Dean	9		8		1		1	
Directors (General)	2	3	6		1		2	
Department Chairmen	4	3	3	5			1	
Supervisors	5		5				2	
Director (Specific)	23	6	12	3	1		3	3
Full-Time Instructors		21		18		2		4
Part-Time Instructors		3	3	1		1	1	
Teaching and Lab. Assist.	3	3		4	1			2
Counselors		15		9				3
Librarians		16		9				3
Coordinators	1	4	1	1			1	
Coaches		1						
Specialists		3	2	3				
Administrators (all)	3		2				1	
Classified Personnel	5		4					

E—excluded specifically
I—included specifically

Membership in Bargaining Units

Eligibility for faculty bargaining unit membership varies, as shown in Table V. All agreements indicate those included and often, by specific titles, those excluded from membership. In all agreements, full-time faculty members were included: administrators with the rank of Dean or above are always excluded. Librarians and counselors were specifically included in most of the agreements, while supervisors and classified personnel are not included in any agreement.

The NEA and AFT agreements had a wider range of personnel included in the bargaining unit than did the AAUP agreements. The latter included only full-time and part-time instructors. Directors, coordinators and department chairmen represent an area of flux. They are members of some bargaining units and not of others. One is struck more by the closeness of the NEA-AFT inter-organizational agreement on unit membership eligibility than by their differences. Historically, such closeness is inconsistent with the NEA policy of including administrators in their organization and the AFT policy of excluding them. However, the recent NEA attitude toward administrative affiliation closely approximates the AFT one. Contracts also indicate the growing similarity between the two organizations.

The differences in membership in the bargaining unit, based on the type of institution, are shown in Table VI. Directors, coordinators and department chairmen are more likely to be included in the bargaining unit in a two-year institution than in a senior college or university. This

may be a reflection of the more persistent public school orientation of two-year institution faculty members. Still, there is greater agreement among the types of institutions than there are areas of mutual exclusion. While we are inclined to believe that the greater public school normative orientation of the two-year college faculty results in a greater willingness to enter into collective bargaining, these normative differences are less evident with respect to those positions seen belonging to management and those to employees.

Table VI

Membership in Bargaining Units—Institutional Level

	2 year	(35)	College or University	(11)
	E	I	E	I
President, V. Pres.	13		6	
Deans, Assoc./Assist. Dean	13		6	
Directors (General)	7	3	4	
Department Chairmen	8	6		2
Supervisors	8		4	
Directors (Specific)	35	8	4	4
Full-Time Instructors		35		10
Part-Time Instructors	3	2	1	3
Teaching and Lab. Assist.		3	3	6
Counselors		21		6
Librarians		21		7
Coordinators	2	4	1	1
Coaches				1
Specialists	2	4		2
Administrators (all)	4		2	
Classified Personnel	7		2	

E—excluded specifically
I—included specifically

Summary

It is apparent by now that the bargaining model developing in higher education is closely patterned after the public school bargaining model. Antecedent-wise, the strong domination by the NEA and the AFT as bargaining agents in higher education closely resembles the successful patterns developed by the major labor unions. A critical factor in this pattern, as opposed to an AAUP model, is the militancy of the NEA and AFT, with their subsequent willingness to obtain results by employing power tactics, including the strike. The literature discussion of alternative bargaining models in higher education may be purely academic. The results obtained by the emerging labor-oriented bargaining process will likely override model elegance or professional interaction tastes.

1. See, for example, chapters by Melley and by Herndon in Patrick W. Carlton and Harold I. Goodwin (Eds.) *Above the Salt: Militancy in Education.* Morgantown: West Virginia University Publications, 1968.
2. Raymond G. Gline, "Bargaining with Teachers: The Things Boards Should Demand," *American School Board Journal,* 158 (June, 1971), 21-23.
3. *Pennsylvania Public Law 195 (1971).* A similar measure was defeated by four votes in the 1971 session of the West Virginia State Legislature.

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